



General Assembly

***Substitute Bill No. 5890***

*February Session, 2000*

***An Act Concerning The Number Of Available Paper Ballots  
When Voting Machines Are Damaged Or For Electors With  
Disabilities.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 9-259 of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       The moderator of the election in each municipality, voting district or  
4       ward shall appear at the office of the municipal clerk not later than  
5       eight o'clock p.m. of the day before the election and there receive from  
6       the municipal clerk the sample ballot labels, three complete sets of  
7       ballot labels and all checklists and other supplies necessary to conduct  
8       the election and make return thereof. The moderator shall receive a  
9       sealed envelope, and a receipt therefor, containing only the number  
10      two and number three election official keys for each voting machine.  
11      Each such envelope shall bear the number of the machine to which the  
12      keys belong. The number four election official key for each voting  
13      machine shall be available to the registrars for the use of the mechanics  
14      beginning at [5:15] five fifteen a.m. on the day of the election. The  
15      supplies provided by the municipal clerk to the moderator shall  
16      include a number of paper ballots for the purposes of sections 9-263, as  
17      amended by this act, and 9-264, as amended by this act, which shall be  
18      equal to not less than one per cent of the number of electors who are  
19      eligible to vote in the voting district served by the moderator, or such

20 other number as the municipal clerk and the registrars agree is  
21 sufficient to protect electors' voting rights. On the morning of the  
22 election, the election officials shall meet at the room where the election  
23 is to be held at least forty-five minutes before the time for opening the  
24 polls. The moderator shall then cause the three sample ballot labels  
25 and instruction cards to be posted and everything put in readiness for  
26 the commencement of voting at the hour of opening the polls. The  
27 envelope containing the keys shall not be opened until at least one  
28 election official from each of two political parties is present at the  
29 polling place and has examined the envelope to see that it has not been  
30 opened. Before opening the envelope, all election officials present shall  
31 examine the number of the seal of the machine and the number  
32 registered on the protective counter, if one is provided, and shall see if  
33 they are the same as the numbers written on the envelope containing  
34 the keys. If the numbers are found not to agree, the envelope shall not  
35 be opened until the mechanic in charge of the machine, or the  
36 registrars or one of the registrars under whose direction the machine  
37 was prepared under section 9-243, has been notified and such  
38 mechanic, registrars or registrar has appeared at the polling place for  
39 the purpose of reexamining such machine and has certified that it is  
40 properly arranged. If the numbers on the seal and the protective  
41 counter, if one is provided, are found to agree with the numbers on the  
42 envelope, the election officials shall proceed to open the doors  
43 concealing the counters. The election officials, in the presence of the  
44 party watchers, shall compare the ballot labels on the machine with the  
45 sample ballot labels to see that they are correct, and, if the machine is  
46 not so labeled, set and adjusted and in order, they shall immediately  
47 label, set and adjust the same and place it in order, or cause it to be  
48 done, examine and see that all the counters in the machine are set at  
49 zero (000) and that the machine is otherwise in perfect order and make  
50 written report thereof as hereinbefore directed and they shall not  
51 thereafter permit the counters to be operated or moved except by  
52 electors in voting. If the machine is equipped with a device for printing  
53 totals of candidate and question counters, the doors concealing the  
54 counters shall not be opened. The election officials shall examine the

55 printed record produced by the machine to see that each counter  
56 registers zero and shall allow watchers to examine the printed record.  
57 They shall also see that all necessary arrangements and adjustments  
58 are made for voting write-in ballots on the machine and that the  
59 machine and its attachments are properly set or adjusted so that the  
60 elector will be concealed while in the act of voting. There shall be  
61 printed directions for the guidance of the election officials before the  
62 polls are opened and when the polls are closed. The moderator's return  
63 which the moderator receives from the municipal clerk for state  
64 elections shall be in a form prescribed by the Secretary of the State.  
65 There shall be printed on the moderators' returns a certificate, which  
66 shall be signed by the election officials before the polls are opened,  
67 showing the delivery of the keys in a sealed envelope; the number on  
68 the seal; the number registered on the protective counter, if one is  
69 provided; whether all of the counters are set at zero (000); whether the  
70 public counter is set at zero (000); whether the ballot labels are  
71 properly placed in the machine; also a certificate, which shall be filled  
72 out after the polls have been closed, that the machine has been locked  
73 against voting and sealed; the number of electors as shown on the  
74 public counter; the number on the seal; the number registered on the  
75 protective counter, if one is provided, and that the voting machine is  
76 closed and locked. The moderators' returns shall show the total  
77 number of votes cast for each office, the number of votes cast for each  
78 candidate, as shown on his counter, and the number of votes for  
79 persons not nominated, which shall be certified by the moderator,  
80 checkers and registrars, or assistant registrars, as the case may be. If  
81 any of the counters are not set at zero and the election officials are not  
82 able to set them at zero, the actual number registered or indicated on  
83 such counters shall be entered on such tally sheet, and, at the end of  
84 the election, that number shall be deducted from the number then  
85 shown on the counter to ascertain the true vote cast for the candidate  
86 to whom such counter belongs. The mechanic's seal on the machine  
87 shall not be broken until the officials have assembled on the morning  
88 of the election. The officials shall examine the seal before breaking it.

89       Sec. 2. Section 9-263 of the general statutes is repealed and the  
90       following is substituted in lieu thereof:

91       If any voting machine used in any voting district, during the time  
92       the polls are open, becomes damaged so as to render it inoperative in  
93       whole or in part, the moderator shall immediately give notice thereof  
94       to the registrars of voters under whose direction the machine was  
95       prepared under section 9-243 and such registrars, if possible, shall  
96       substitute a perfect machine for the damaged machine, and, at the  
97       close of the polls, the records of both machines shall be taken and the  
98       votes shown on their counters shall be added together in ascertaining  
99       and determining the result of the election. If no other machine is in use  
100      in the polling place such registrars shall immediately permit the use by  
101      the electors of emergency paper ballots [by the electors, which]  
102      provided by the municipal clerk to the moderator pursuant to section  
103      9-259, as amended by this act. Such ballots shall be received by the  
104      election officials and placed by them in a receptacle to be provided  
105      therefor and counted with the votes registered on the voting machine  
106      and the result declared in the same manner as if there had been no  
107      accident to the voting machine. The emergency paper ballot shall be an  
108      absentee ballot. Emergency paper ballots shall be cast in the following  
109      manner. The elector shall announce [his] the elector's name to the  
110      checkers who shall cross [his] the elector's name off the registry list  
111      and add it with [his] the elector's address to the end of the official  
112      checklist where it shall be designated "Emergency Paper Ballot" or  
113      "EPB" and serially numbered. After the elector has so announced [his]  
114      the elector's name, the moderator shall deliver to such elector an  
115      emergency paper ballot together with the serially numbered envelope.  
116      The elector shall forthwith mark the ballot in the presence of the  
117      moderator in such manner that the moderator shall not know how the  
118      ballot is marked. [He] The elector shall then fold the ballot in the  
119      presence of the moderator so as to conceal the markings and deposit  
120      and seal it in the serially numbered envelope. [He] The elector shall  
121      then deliver the envelope to the moderator who shall place it in a  
122      specially designated depository envelope. The emergency paper

123 ballots thus received shall be counted at the next scheduled absentee  
124 ballot count in the same manner as other absentee ballots, provided no  
125 such ballot may be counted unless all provisions of this section have  
126 been complied with. Such ballots so counted shall be preserved by  
127 replacing them into the special depository envelopes along with a  
128 certificate signed by the moderator and registrars of voters setting  
129 forth the circumstances under which such emergency paper ballots  
130 were cast. Use of emergency paper ballots shall be discontinued  
131 immediately upon replacement or repair of at least one machine.

132 Sec. 3. Subsection (b) of section 9-264 of the general statutes is  
133 repealed and the following is substituted in lieu thereof:

134 (b) Paper ballots provided by the municipal clerk to the moderator  
135 pursuant to section 9-259, as amended by this act, shall be made  
136 available for electors with disabilities in polling places in which a  
137 voting machine cannot be adjusted to allow all necessary parts to be  
138 reached from a chair. Such paper ballots shall be used at the option of  
139 the elector with disabilities. The elector shall announce [his] the  
140 elector's name to the checkers who shall cross [his] the elector's name  
141 off the registry list and add it with [his] the elector's address to the end  
142 of the official checklist where it shall be designated "paper ballot for  
143 persons with disabilities" or "PBD" and serially numbered. After the  
144 elector has so announced [his] the elector's name, the moderator shall  
145 deliver to the elector an absentee ballot and a serially-numbered  
146 envelope. The elector shall forthwith mark the ballot in the presence of  
147 the moderator in such manner that the moderator shall not know how  
148 the ballot is marked. The elector shall fold the ballot in the presence of  
149 the moderator so as to conceal the markings and deposit and seal it in  
150 the serially-numbered envelope. [He] The elector shall deliver the  
151 envelope to the moderator who shall place it in a specially-designated  
152 depository envelope. The paper ballots thus received shall be counted  
153 at the next scheduled absentee ballot count in the same manner as  
154 other absentee ballots. Such ballots so counted shall be preserved by  
155 placing them in the depository envelopes with the regular absentee  
156 ballots, and such serially-numbered envelopes shall be placed in the

157 depository envelopes with the regular absentee ballot envelopes.

**Statement of Legislative Commissioners:**

Changes were made for gender neutrality.

**GAE Committee Vote:** Yea 21 Nay 0 JFS